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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,769	11/13/2006	Dirk Dobrindt	N81795LPK	6002
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EXAMINER				
MOCLAIN, GERALD				
ART UNIT		PAPER NUMBER		
3653				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,769

Applicant(s)

DOBRINDT, DIRK

Examiner

GERALD W. MCCLAIN

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)
- Paper No(s)/Mail Date 24 February 2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method And Apparatus For Depositing Sheet Of Paper Onto A Stack Using Spring And Cam Biased Intermediate Transport Member. See MPEP § 606.01.

Claim Objections

The claims are objected to because they do not conform with 37 CFR 1.75 (i). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

Claims 2-10 are objected to because of the following informalities: all the "intermediate member[s]" (see Claim 2, line 2, etc) should be "intermediate transport member[s]" to be consistent with Claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "preferably" in claims 1 and 2 (line 2 (line 4) and line 8 (line 21), respectively) is a relative term which renders the claims indefinite. The term "preferably" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In Claim 3, line 3, it is unclear to what "its" refers.

In Claim 7, line 2-3, it is unclear if the at least one cam plate is one of the at least one cam plate recited in Claim 5.

The term "essentially" in claim 8 is a relative term which renders the claim indefinite. The term "essentially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "some play" in claim 8 is a relative term which renders the claim indefinite. The term "some play" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In Claim 9, line 1, it is unclear to which intermediate transport member(s) are being referred.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dobrindt (US 2004/0256797).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1: [a] sheet to be deposited is grasped by at least one rotationally drivable sheet conveyor member with said front edge of said sheet fed into a receptacle, and to deposit said sheet on said stack of sheets, said sheet's front edge is released from a

receptacle, through use of a stop, by a stack edge, characterized by releasing said sheet's front edge from said receptacle of said rotating sheet conveyor member, prior to said depositing of said sheet onto said stack, and moving said sheet's front edge into a receptacle of an intermediate transport member where it is further released for depositing said sheet onto said stack of sheets (FIG. 1 and 2);

Claims 2, 4: at least one rotationally drivable sheet conveyor member with at least one receptacle (1); intermediate transport member with a receptacle (16);

Claims 3: stop (10);

Claim 5: at least one cam plate (4/9);

Claim 6: lever assembly (9/11/12);

Claim 7: at least one lever arm of said lever assembly (13); at least one cam plate (4/9); intermediate element (18);

Claim 8: essentially horizontally oriented level arm (13); essentially vertically oriented level arm (11); separate cam plate (9; pin structure);

Claim 9: spring-fitted (8);

Claim 10: gripper mouth (16).

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Scarlata et al. (US 5,518,230) ("Scarlata").

Claim 1: [a] sheet to be deposited is grasped by at least one rotationally drivable sheet conveyor member with said front edge of said sheet fed into a receptacle, and to deposit said sheet on said stack of sheets, said sheet's front edge is released from a

receptacle, through use of a stop, by a stack edge, characterized by releasing said sheet's front edge from said receptacle of said rotating sheet conveyor member, prior to said depositing of said sheet onto said stack, and moving said sheet's front edge into a receptacle of an intermediate transport member where it is further released for depositing said sheet onto said stack of sheets (FIG. 3);

Claims 2, 4: at least one rotationally drivable sheet conveyor member with at least one receptacle (21); intermediate transport member with a receptacle (108);

Claims 3: stop (106);

Claim 5: at least one cam plate (120);

Claim 6: lever assembly (118/119/125);

Claim 7: at least one lever arm of said lever assembly (125); at least one cam plate (120); intermediate element (elements on end of 125);

Claim 8: essentially horizontally oriented level arm (119); essentially vertically oriented level arm (118); separate cam plate (back support elements on vertical bar of 106/108/116);

Claim 9: spring-fitted (117);

Claim 10: gripper mouth (108).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is

(571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald W. McClain
Examiner
Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
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